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19 Attorneys for Plaintiffs Oracle USA, Inc.,
20 Oracle America, Inc. and Oracle International
21 Corp.

22 UNITED STATES DISTRICT COURT
23 DISTRICT OF NEVADA

24 ORACLE USA, INC., a Colorado corporation;
25 ORACLE AMERICA, INC., a Delaware
26 corporation; and ORACLE INTERNATIONAL
27 CORPORATION, a California corporation,

28 Plaintiffs,

v.

29 RIMINI STREET, INC., a Nevada corporation;
30 SETH RAVIN, an individual,

31 Defendants.

32 BINGHAM McCUTCHEN LLP
33 GEOFFREY M. HOWARD (*pro hac vice*)
34 BREE HANN (*pro hac vice*)
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56 Case No 2:10-cv-0106-LRH-PAL

57 **PLAINTIFFS ORACLE USA, INC.,**
58 **ORACLE AMERICA, INC., AND**
59 **ORACLE INTERNATIONAL**
60 **CORPORATION'S MOTION TO**
61 **SEAL EXHIBIT B TO STIPULATION**
62 **AND [PROPOSED] ORDER RE**
63 **DERIVATIVE WORKS**

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1 **PLAINTIFFS' MOTION TO SEAL**

2 Pursuant to the Stipulated Protective Order governing confidentiality of documents
 3 entered by the Court on May 21, 2010, Dkt. 55 ("Protective Order"), and Rules 5.2 and 26(c) of
 4 the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc. and
 5 Oracle International Corporation (together "Oracle" or "Plaintiffs") respectfully request that the
 6 Court order the Clerk of the Court to file under seal Exhibit B to the Stipulation and [Proposed]
 7 Order re Derivative Works ("Exhibit B"). Exhibit B was lodged under seal with the Court on
 8 June 1, 2011. *See* Dkt. 145.

9 Sealing Exhibit B is requested because the document contains information that
 10 Defendants Rimini Street, Inc., and Seth Ravin ("Defendants") have designated as "Highly
 11 Confidential Information – Attorneys' Eyes Only" under the terms of the Protective Order. The
 12 requested relief is necessary and narrowly tailored to protect the confidentiality of the
 13 commercially sensitive business information identified by Defendants, namely, Defendants' list
 14 of current and former customers. The Protective Order provides that: "Counsel for any
 15 Designating Party may designate any Discovery Material as 'Confidential Information' or
 16 'Highly Confidential Information – Attorneys' Eyes Only' under the terms of this Protective
 17 Order **only if such counsel in good faith believes that such Discovery Material contains such**
 18 **information and is subject to protection under Federal Rule of Civil Procedure 26(c).** The
 19 designation by any Designating Party of any Discovery Material as 'Confidential Information' or
 20 'Highly Confidential Information – Attorneys' Eyes Only' shall constitute a representation that
 21 an attorney for the Designating Party reasonably believes there is a valid basis for such
 22 designation." Protective Order ¶ 2 (emphasis supplied).

23 Thus, in identifying Exhibit B as containing Highly Confidential material, Defendants as
 24 the designating parties have represented that good cause exists for sealing Exhibit B. This is a
 25 sufficient showing of good cause to permit a sealing order on a non-dispositive motion. *See,*
 26 *e.g., Pacific Gas and Elec. Co. v. Lynch*, 216 F. Supp. 2d 1016, 1027 (N.D. Cal. 2002).

27 Defendants have designated the entirety of Exhibit B as Highly Confidential. The parties
 28 have submitted all other materials related to the Stipulation and [Proposed] Order re Derivative

1 Works, Dkt. 143, filed June 1, 2011, for filing in the Court's public files, which would allow
2 public access to the filings except for Defendants' Highly Confidential materials. Accordingly,
3 the request to seal is narrowly tailored.

4 For the foregoing reasons, Oracle respectfully requests that the Court find that good cause
5 exists to file under seal Exhibit B.

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7 DATED: May 13, 2011

BINGHAM McCUTCHEN LLP

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By: /s/ Geoffrey M. Howard

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Geoffrey M. Howard

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Attorneys for Plaintiffs

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Oracle USA, Inc., Oracle America, Inc.,

13

and Oracle International Corp.

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23 Oracle America, Inc. and Oracle International
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15 UNITED STATES DISTRICT COURT
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17 DISTRICT OF NEVADA

18 ORACLE USA, INC., a Colorado corporation;
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25 SETH RAVIN, an individual,
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Case No 2:10-cv-0106-LRH-PAL

**ORDER GRANTING
PLAINTIFFS ORACLE USA, INC.,
ORACLE AMERICA, INC., AND
ORACLE INTERNATIONAL
CORPORATION'S MOTION TO
SEAL EXHIBIT B TO STIPULATION
AND [PROPOSED] ORDER RE
DERIVATIVE WORKS**

[PROPOSED] ORDER

2 Pending before this Court is Plaintiffs Oracle USA, Inc., Oracle America, Inc. and Oracle
3 International Corporation’s Motion to Seal Exhibit B to the Stipulation and [Proposed] Order re
4 Derivative Works (“Plaintiffs’ Motion to Seal”). *See* Dkt. 145. Federal Rule of Civil Procedure
5 26(c) provides broad discretion for a trial court to permit sealing of court documents for, inter
6 alia, the protection of “a trade secret or other confidential research, development, or commercial
7 information.” Fed. R. Civ. P. 26(c). Having considered Plaintiffs’ Motion to Seal, compelling
8 reasons having been shown and good cause existing:

IT IS HEREBY ORDERED THAT: Plaintiffs' Motion to Seal is GRANTED.

10 The Clerk of the Court shall file under seal Exhibit B to the Stipulation and [Proposed] Order re
11 Derivative Works.

IT IS SO ORDERED.

13 DATED: June 3, 2011

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By: Peggy A. Leen
Hon. Peggy A. Leen
United States Magistrate Judge

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